

The Times-Dispatch

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How to Call The Times-Dispatch.

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The Corporation Commission and the Legislature.

Our esteemed contemporary, the Norfolk Virginian-Pilot, in reply to questions from this paper concerning the powers and duties of the Corporation Commission, says that the commission is the creation of the Constitution; that it has no powers not granted by that instrument, and that while these powers are many and unusually broad, they do not, in our contemporary's judgment, extend to the nullification of an act of the General Assembly regularly passed and completed by the signature of the Governor.

This is not a specific answer to the question which The Times-Dispatch asked.

The Constitution clothes the Corporation Commission with powers to fix railroad rates, and even goes so far as to say that this authority of the commission, subject to review on appeal to the Supreme Court, shall be paramount; and still farther, that all rates, charges, classifications, rules and regulations adopted or acted upon by any railroad company inconsistent with those prescribed by the commission, within the scope of its authority, shall be unlawful and void. But if the General Assembly is to usurp this function and make rules and regulations for the railroads and fix rates which the Corporation Commission is bound to enforce, the commission will be shorn of its authority. It will be merely an administrative body, subject to the orders of the General Assembly.

The Virginian-Pilot, in commenting on our observation that the Corporation Commission is endowed with judicial functions, and that one of the functions of a judge is to construe the law, replies: "The Constitution bestows upon the Supreme Court 'original jurisdiction in determining the constitutionality, etc.; of any act or body in Virginia can possess or exercise such power in Virginia except by grant from the General Assembly. It is the duty of all officers and agencies of the Commonwealth to obey the law as passed by the General Assembly, and then to solve, by application to the courts, all doubts of its validity.'"

Our contemporary does not quote the Constitution as it is written. That instrument says that the Court of Appeals shall have original jurisdiction in cases of habeas corpus, mandamus and prohibition; but in all other cases in which it shall have jurisdiction, it shall have appellate jurisdiction only. And again: "Subject to such reasonable rules as may be prescribed by law, as to the course of appeal, the limitations as to time, the security required, if any, the granting or refusing of appeals, and the procedure therein, it shall, by virtue of this Constitution, have appellate jurisdiction in all cases involving the constitutionality of a law as being repugnant to the Constitution of this State or of the United States."

It will be seen from this that its original jurisdiction in cases of this character is very limited. Most cases involving the constitutionality of a law must come to the notice of the Supreme Court upon appeal from the lower courts, and the contention of our contemporary that no other court can exercise such power except by grant of the General Assembly is a strange doctrine to The Times-Dispatch. Mr. Tucker, in his work on the Constitution, declares that "it is the essential attribute of judicial power, wherever vested, whether in the Supreme Court or a justice of the peace, to give effect to the paramount law, and where the supreme law and the subordinate law come into conflict, to declare that the former shall have effect and that the latter shall be null and void." He says, moreover, that "without such a judicial power the paramount force of the Constitution would have been paralyzed, and the departments of government would have held practical supremacy over the supreme law of the land."

There are eminent lawyers who hold that it is the sworn duty of every officer of government to refuse to execute any law which he believes to be unconstitutional. Much more is the duty of the Corporation Commission, which derives its authority from the Constitution and which possesses some of the functions of a court of record, to decline to execute an act of the Legislature which it believes to be in conflict with the organic law. It may not be that the Corporation Commission has exclusive authority to fix rates, but there can be no doubt that under the Constitution its authority in this direction is paramount, and John Marshall has said that "it is a proposition

too plain to be contested that the Constitution controls any legislative act repugnant to it; or that the Legislature may alter the Constitution by an ordinary act."

But, to our mind, it is also a proposition too plain to be contested that the Corporation Commission has the right, and is in duty bound, to construe any act of the Legislature relating to its functions, its decision being subject, of course, to review by the Supreme Court of Appeals.

Suppose the Legislature had enacted a law directing the Corporation Commission to fix the price of coal, or flour, or any other commodity in Virginia, does the Virginian-Pilot hold that the commission should undertake to enforce such a law? or suppose the Legislature had passed a bill abolishing the Corporation Commission. It is a case of reductio ad absurdum.

A Trust on Its Knees.

The armorplate trust has at last been brought to its knees. The Midvale Steel Company, of Philadelphia, has discovered a process of making armorplate cheaper and has underbid the trust for 7,500 tons of such plate for the new battleships Michigan and South Carolina.

"For nearly a decade," says the Philadelphia Ledger, "the German face-hardened armor plate was the standard required by the navies of the world. It was a somewhat exclusive business, and the two companies making armor plate under the Krupp patents in this country have been the occasion of great unrest and dissatisfaction, forcing the government almost to the point of undertaking the manufacture of armor for itself."

"Happily for the country, the enterprise and skill of Philadelphia have made this unnecessary. After an uphill fight, in which the Midvale Steel Company has had to overcome the entrenched position of the Krupp patents, the manufacture of armor for the navy has been forced to the acceptance of a new and better process of its own, and it has broken up the combination which had previously divided the contracts at their own convenience and at their own prices."

The officers of the Bethlehem Steel Company and the Carnegie Company are in great distress. They recently called upon Admiral Mason, chief of the Bureau of Ordnance, and made a pathetic plea for a part of the contract. It was represented that giving the entire contract to the Midvale Company would endanger the existence of the Bethlehem and Carnegie plants. If they had no work to do they might have to be dismantled and their large force of highly skilled workmen scattered, so that it would be impossible to reassemble them again in case it became necessary for those plants to turn out armor at short notice. Moreover, it was intimated that the purpose of the Midvale Company in bidding so low was to put the Bethlehem and Carnegie Companies out of business, so that it would have a monopoly of armor manufacture in this country, and could then exact what price it pleased, having the government at its mercy. The Bethlehem people expressed a willingness to take part of the contract at the price of \$35 a ton bid by the Midvale Company. Although that would mean an actual loss, it would be better for them to operate at a loss than to shut down entirely, as would be the case if the entire contract should go to the Midvale Company.

It is an interesting situation. It shows how liable pride is to have a fall. It shows that competition is the surest remedy for exorbitant prices.

The Practical Side of Beauty.

Within the next several months a large number of high school buildings will be erected here and there in the counties of Virginia, and at the start The Times-Dispatch urges that all such buildings be made as attractive and ornamental as means will allow. It costs very little more to erect a pretty school building than it does to erect an ugly building, and the ornamentation within and without would be comparatively inexpensive. But there is a vast difference in influence between a pretty school building and an ugly school building. The attractive building will have a wholesome influence both upon pupils and patrons, and will have the tendency to create greater respect for education and the public school system. The public naturally form their estimate of the importance of education by the importance which their elders attach to it, and they judge in great part by the outward and visible signs. If the seat of learning is a cheap, uncouth building without conveniences, comforts or ornamentation, the children will necessarily conclude that their elders look upon the school as a sort of makeshift. They cannot be expected to have more respect for education and to attach more importance to it than the grown folks. Apart from this, all public buildings necessarily exert an influence over the architecture of the community. The courthouse, the church, the public school building set the example either for good or for bad, and the cause which all such buildings represent is helped or injured according as the building is good or bad.

The people of Virginia are manifesting a deep and commendable interest in popular education, and every school building now to be erected should, as far as possible, be an expression of such interest.

Dr. Garcia's Forecast.

Dr. R. D. Garcia is reported to have said in his speech at the Board of Health meeting on Wednesday night that he had heard members of the Council say that if Dr. E. C. Levy should be elected health officer the board might not expect any increased appropriation. The old Board of Health claimed that its operations were seriously embarrassed by lack of money. But when a new Board of Health was created, with enlarged membership and

enlarged powers, it was generally understood that the Council would from time to time make its appropriations sufficiently liberal to enable the board to give the city a first-rate service.

The Times-Dispatch is informed that the appropriation carried in the budget is not sufficient to pay the salaries provided for in the ordinance creating the new board, and that there is not a dollar thus far to the credit of the board to meet incidental expenses.

If Dr. Garcia's forecast is correct, the Council, on account of prejudice against the health officer recently elected, will now refuse to supply the Board of Health with the financial means necessary to carry on its work.

The Times-Dispatch is unwilling to believe that the Council will pursue such a narrow and big game policy. The public health is not a thing to be trifled with. The whole subject must be dealt with in a spirit of patriotism and not in a spirit of party and personal prejudice. The Council clothed the Board of Health with authority to elect a health officer, and now that the board has made its selection the Council should accept its decision in good faith and give it abundant means to perform its functions to the best advantage. There should be the most cordial co-operation between the Council and the board, as well as between the board and its executive officer. The public welfare demands it, and the people will be satisfied with nothing less.

Justice at Last.

The courts of France have at last done justice to Dreyfus, and the whole world will approve and applaud. The case is one of the most remarkable in the annals of history. Influenced by sordid prejudice, the enemies of Dreyfus conspired to destroy his character and remove him from the army. Their plans succeeded so far as to secure conviction and banishment for their victim. But truth is mighty and will prevail at last. Dreyfus was pardoned, but he and his friends were not satisfied with such scant justice. They demanded that the man who had been so cruelly wronged should be vindicated and exonerated, and their demands have been met in full. As far as it was possible to do so, the wrong has been righted, and Dreyfus will be restored to his command. It is a tribute to the court system of the republic of France that it has had the courage to do this righteous act, and it is a splendid triumph for justice.

All honor to the court, and all honor and praise to the noble wife of this persecuted man, who never lost faith in her husband, who stood in loyalty by him in all his troubles, giving loving comfort and good cheer in his darkest hours of despair. The vindication of the husband is due in large part to the courage and devotion of the faithful wife.

The Courtesousness of Mr. Dougherty.

A dispatch from Danville, Ill., says: "An automobile bearing Vice-President Fairbanks and party, who are on a touring trip, this afternoon crashed into a buggy driven by Joseph M. Dougherty, a prominent Democratic politician. The two vehicles came together at a curve in the road, and Mr. Dougherty was thrown out and painfully bruised. The Vice-President alighted and went to the assistance of Mr. Dougherty. Mr. Dougherty expressed his pleasure at the meeting."

All honor to noble Joseph Dougherty, kindly, warm-hearted and chivalrous Joe, whose unbreakable courtesy is far beyond the mere bluff of a whizz wagon. A gentleman who could express pleasure at such a meeting would thank the executioner for adjusting the noose, or bow to chance acquaintances on shore while engaged in the act of drowning. The Times-Dispatch is proud to have its hat to Jovial Joe, the politest man alive, and now and hereby does it.

As for Mr. Fairbanks, if his famously congealed cardiac did not warm up and melt on this occasion, this paper will be forced to the conclusion that he is incorrigibly loy, and will not fail to use the incident in the coming campaign to the great detriment of the Fairbanks boom.

Candidate Fairbanks, riding in an auto, ran into a prominent Democratic politician and nearly did for him. Politics is certainly getting to be a strenuous game, all right.

Mr. Taggart may recall that Mr. McCurdy and the others also held pronounced anti-resignation views, but are now in Paris.

Fully admitting his coldness and all that, are we, nevertheless, justified in referring to him simply as Ice-President Fairbanks?

As we understand it, however, Mr. Taft would not object to having the South perfectly solid for Taft.

"Where is our gold?" cries a writer in the New York Times. Probably not east, old chap. Like ours.

It is rumored that there are still several people in Pittsburgh whose pictures have not appeared in the papers.

If anybody had to be brought in close contact with a Thaw, we can't help wishing it had been Mr. Fairbanks.

Yet it is April that has the big reputation for showers.

Meantime the packers have formed the habit of watering their plants.

The armor trust, it seems, has its joints.

Levy holds the lever.

Hunt, of New York, also finds.

Woodward & Son,

Manufacturers of and Dealers in

Lumber

Yellow Pine, White Pine, Hardwood and Mahogany.

Sash, Blinds, Doors

AND OTHER MILL WORK.

Post Ninth St., Richmond, Va.

Rhymes for To-Day

Contentment.

THINGS have changed quite a lot of late.
Ditto have our minds;
Jobs with the trust that investigate
Are not now recked such finds.

Years ago, how we used all to say:
"Railroads fill one's bill!"
But would now be in the choo-choo way
Since that new, rate-hill!

Once we thought: "Look at Armour—
Whist!
Grand old millionaire!"
Now who'd be in the canned meat biz,
Thanks to U. S. Highways?

Magnates aren't such a much, I trow;
Earlwhine, echoes fail;
Nobody wants to be the Iceman now,
When Icemen go to jail.

So with the other ex-landlums,
Grown by the trust in rows;
Everybody's seen, when the trust-buster
comes,
How those plums get squoze.

Which of 'ye yearns for a trust job now?
"What does a man speak?"
Me? I will stick where I am, I trow,
And draw my five a week.

—H. S. H.

Merely Joking.

Her "I believe you are ready to marry the first fool who comes along." She: "You have no right to say so." And she threw a strong accent on the "you."

Wanted Another Tip—The Miller: "There, look at that. By tipping the hat a little to the left it makes you look five years younger." The Customer: "Can't it be tipped a little farther?"—[Cleveland Plain Dealer.]

Helpful—"Oh, my!" exclaimed the excited woman who had mislaid her hand. "I'm looking for a small man with long eyes." "Well, ma'am," replied the polite footwalker, "if he's a very small man, maybe you'd better use both eyes."—[Philadelphia Ledger.]

Had Matrimonial Look—Weary Willie (reading "ad."): "Man wanted to chop wood, bring up coal, tend furnace, take care of garden, mind chickens, and children." "Frayed Eagle (groaning): "Good Lord, that's a list of the most common and most common advertisements make me tired."—[Judge.]

The Diplomat—"Oh, young man," said Mrs. Grey, "you cannot marry my daughter." "Ah!" sighed Mr. Smooth. "That puts an end to my long cherished hopes of obtaining the finest mother-in-law in Cleveland!" The subject was at once reconsidered.—[Cleveland Leader.]

Changed His Song—Toaster: Before we were married you always liked to respond to the toast, "The Women—God Bless Them." "And now?" "Now I respond to the toast—'morrow night? Jack Newlwyed: Well, say you couldn't ring in a toast, "The Men—God Help Them." could you, and let me respond to that?—[Life.]

The Health Department.

Editor of The Times-Dispatch:—Sir: The people of Richmond are to be congratulated that there has been found in their midst a man of high position and high ability, who is qualified for their chief health officer as Dr. E. C. Levy. He has long been intimately associated with the health department of this city, and has been a most efficient and capable officer. His appointment to the position of chief health officer is a most fitting recognition of his long and successful service to the city.

The success of the new organization will depend largely on the honest and hearty co-operation of the board with their chief health officer. The board should be careful to handle the matter with discretion and to avoid any appearance of partiality. The health department should be given the opportunity to do its work without any undue interference from the board.

METHODISTS ADJOURN.

Petersburg District Conference Closes Its Session.

(Special to The Times-Dispatch.)
PETERSBURG, Va., July 12.—The Petersburg District Methodist Conference adjourned last night after a two days' session at Dendron, Surry county, and will hold its next session at Ashbury Church, on the 26th inst. The conference was opened with religious services by Rev. C. C. Wertenbaker, pastor of the church, and was continued by reports from the churches of the district, the reports from Lawrenceville, Mecklenburg and South Brunswick, and the reports from the churches of the district. The conference was adjourned until the 26th inst. at 10 o'clock.

FREIGHT WRECK.

Coast Line Blocked, but No One Killed.

(Special to The Times-Dispatch.)
PETERSBURG, Va., July 12.—The wreck of a southbound freight train on the Chesapeake and Ohio Railway, near Brunswick county, late this afternoon, necessitating the use of Atlantic Coast Line trucks for freight trains. A number of rear cars are reported to have fallen from the bridge, but no one was killed or injured.

THE NORTH CAROLINA RAILROAD DIRECTORS

A Dividend Declared and New Directors Are Elected.

(Special to The Times-Dispatch.)
GREENSBORO, N. C., July 12.—The Board of Directors of the North Carolina Railroad Company met here today for an annual session. A semi-annual dividend of three and a half per cent was declared. The report of the president, Mr. J. H. Brown, was read and approved. The board elected Mr. J. H. Brown as president for the next year, and Mr. J. H. Brown as vice-president. The board also elected Mr. J. H. Brown as treasurer and Mr. J. H. Brown as secretary.

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Yellow Pine, White Pine, Hardwood and Mahogany.

Sash, Blinds, Doors

AND OTHER MILL WORK.

Post Ninth St., Richmond, Va.

HOUSES BURNED BY LIGHTNING

Struck and Destroyed, With Their Contents.

Fine Barns in Augusta County Struck and Destroyed, With Their Contents.

HORSES PERISH IN FLAMES

New Crop of Wheat Destroyed in Clarke County—New Dwelling Buried.

(Special to The Times-Dispatch.)
WINCHESTER, Va., July 12.—A message to-day from Clarke county states that during one of the most terrific electrical storms that ever passed over that section lightning struck a large corn barn on a farm of Isaac Cross, near Clark's Fork, Va., and completely destroyed the structure, together with most of the fine crop of newly harvested wheat, farming implements, supplies and a large stack of wheat outside the barn.

The loss, which exceeds five thousand dollars, partly covered by Cross, who, Ernest Deamont's family live on the farm.

Fine Barns Burn.

(Special to The Times-Dispatch.)
STAUNTON, Va., July 12.—A large barn belonging to H. J. Cross, near Augusta county, was struck by lightning yesterday and burned, also two fine horses, which are dead, and three others were so injured that they have to be killed. The barn was destroyed and a number of farming implements, tools, and a large stack of wheat were also destroyed. The loss is estimated at \$10,000.

The barn of Isaac Cross, near Clark's Fork, Va., was struck by lightning and burned yesterday. Two cows were killed by the shock. Loss, \$3,000.

VIRGINIA BRIEFS

(Special to The Times-Dispatch.)
FARMVILLE, Va., July 12.—Henry Jeter (colored) was arrested by a constable at an early hour this morning, sustaining injury from which he died this afternoon at a local hospital. Jeter was a prominent citizen of his race in Prince Edward county, and was the father of Prof. Jeter of Hampton Normal.

LYNCHBURG, Va.—Al Attard, the High-school principal, who was arrested here a week ago, charged with the larceny of a \$100 check and was sent on to the grand jury, was discharged to-day in the Police Court after a rehearing.

PETERSBURG, Va.—Frank Ledbetter has been appointed to the position of clerk at the postoffice to fill the additional position now allowed the Petersburg office by the Postoffice Department. Mr. Ledbetter has been a substitute clerk.

ROANOKE, Va.—The Norfolk and Western to-day announced a reduction of ten cents on coal shipped to this city. The rate is now \$1.00. The reduction goes into effect on the 15th inst.

SCOTTSVILLE, Va.—Mr. William Garth arrived at his home a few days ago from Danville, where he had been on a tour of inspection, eight or nine of which will be sent to Virginia Beach to participate in the races there.

VA.—A white man, John H. Hogg, a young negro, escaped from the Nanamond county Jail. Before going Hogg secured a pistol and a knife, and is now being trailed by bloodhounds.

REPUBLICAN SPLIT.

Two Sets of Delegates Elected to the Galax Convention.

(Special to The Times-Dispatch.)
DANVILLE, Va., July 12.—There was a split in the ranks of the Republicans here to-day, and two sets of delegates were elected to the convention at Galax, Floyd county, to nominate a Republican candidate for Congress from the Fifth District.

The meeting was stormy, and every motion presented resulted in a squabble. The local Republicans present, and the result was that two gatherings were held and two different delegates named. The Lily White gathering named Messrs. C. T. Barksdale and Sam Giles, and the black contingent, Captain W. P. Robinson and J. M. Clarke (colored) as delegates.

Barksdale, Giles and Robinson are all candidates for the position of postmaster of Danville, and this fight is responsible for the trouble to-night.

HAMPDEN-SIDNEY.

Andrew Payne Lewis Memorial.

Two New Professors.

(Special to The Times-Dispatch.)
HAMPDEN-SIDNEY, Va., July 12.—The commencement exercises of the college here to-day were of general interest. The last convocation was held on the 26th of the year of the college, 1878, full of auspices, and an attractive list of speakers. The exercises were of a most excellent character, and the result was that two gatherings were held and two different delegates named. The Lily White gathering named Messrs. C. T. Barksdale and Sam Giles, and the black contingent, Captain W. P. Robinson and J. M. Clarke (colored) as delegates.

Mr. C. C. Lewis, Jr., a prominent young man of Charlottesville, Va., has donated \$2,000 to establish the "Andrew Payne Lewis Memorial" in memory of his father, who died in the service of the country.

Two new professors will be added to the faculty next session—Prof. W. H. Whiting, who returns after a year's absence, to take up the work in Latin, and Prof. S. C. Smith, who will take up the work in Greek.

Howard's Body Found.

(Special to The Times-Dispatch.)
WEST POINT, Va., July 12.—The body of Howard, who was killed last week near Bell's Rock Light-house, down York River, was found Tuesday near Crossen, Rowan county, Va., and was taken to the place where the unfortunate young man went down. The body was taken for interment to his home in Gloucester.

Rural Route Established.

(From Our Regular Correspondent.)
WASHINGTON, D. C., July 12.—Rural route No. 2, ordered established September 1st at Garland, Sampson county, N. C., serving 428 people and 197 houses.

Joseph H. Carson, appointed postmaster, Edward A. Carson, substitute, rural carrier route No. 2 at Gastonia, N. C.

SICK HEADACHE

Positively cured by these Little Pills.

They also relieve distressing dyspepsia, indigestion, and too hearty eating. A perfect remedy for Dizziness, Nausea, Vomiting, Bad Taste in the Mouth, Constipation, Pains in the Side, TORPID LIVER. They regulate the Bowels. Purely Vegetable.

SMALL PILL. SMALL DOSE. SMALL PRICE.

Get the Little Pills.

Small Pills. Small Dose. Small Price.

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...A... X COUPON X

WORTH 100 VOTES

In the fourth annual Outing Tour Contest will be published Monday, July 16, 1906. Special orders from individuals and extra orders from newsdealers must reach the Times-Dispatch Circulation Department before noon, July 14th

COMMANDANT FOR A. AND M. COLLEGE

Lieutenant J. S. E. Young, of the U. S. Army, Designated by the War Department.

A TRUE BILL FOR ARSON

The State Farmers' Convention Adjourns After Successful Meeting.

(Special to The Times-Dispatch.)
RALEIGH, N. C., July 12.—Announcement is made that First Lieutenant J. S. E. Young, of the United States Army, has been designated by the War Department as commandant for the A. & M. College here. He will enter on his duties in September. He is now detailed for service at Jefferson Barracks, Mo., drilling recruits. He is a native of Vance county.

A true bill was returned this evening by the Wake grand jury in the case against M. T. Hogg, a prominent merchant here, charging him with burning a farm house, the property of his wife, for the purpose of collecting the insurance from the North Carolina Home Insurance Company. The trial of the case begins to-morrow and will require several days.

The State Farmers' Convention adjourned this afternoon. Ashley Horne, of Clayton, was elected president to succeed C. C. Moore, of Charlotte, and Dr. Tatlo Butler was elected secretary. A set